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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In application of

Edwin Southern

Serial No. 10/772,467

Filed February 6, 2004

: Confirmation No. 1112

: Attorney Docket No. 2004\_0200

: Group Art Unit 1631

: Examiner A. Skibinsky

ANALYZING POLYNUCLEOTIDE SEQUENCES

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

THE COMMISSIONER IS AUTHORIZED  
TO CHARGE ANY DEFICIENCY IN THE  
FEES FOR THIS PAPER TO DEPOSIT  
ACCOUNT NO. 23-0975

Sir:

Pursuant to the provisions of 37 CFR 1.56, 1.97 and 1.98, Applicants request consideration of the references listed on attached form PTO-1449 and any additional information identified below in paragraph 3. A legible copy of each reference listed on the Form PTO-1449 is enclosed, except a copy is not provided for:

- each U.S. Patent and U.S. Patent application publication;
- each reference previously cited in the international application PCT/\_\_\_\_\_; and/or
- each reference previously cited in prior parent application Serial No. 08/230,012 issued as USP 5,700,637 and 08/925,676 issued as USP 6,054,270.

1a.  This Information Disclosure Statement is submitted:

within three months of the filing date (or of entry into the National Stage) of the above-entitled application, or

before the mailing of a first Office Action on the merits or the mailing of a first Office Action after the filing of an RCE,

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**and thus no certification and/or fee is required.**

- 1b.  This Information Disclosure Statement is submitted after the events of above paragraph 1a and prior to the mailing date of a final Office Action or a Notice of Allowance or an action which otherwise closes prosecution in the application, and thus:
  - (1)  the certification of paragraph 2 below is provided, **or**
  - (2)  the fee of \$180.00 specified in 37 CFR 1.17(p) is enclosed.
  
- 1c.  This Information Disclosure Statement is submitted: after the mailing date of a final Office Action or Notice of Allowance or action which otherwise closes prosecution in the application, and prior to payment of the issue fee, and thus:

**the certification of paragraph 2 below is provided, and**

**the fee of \$180.00 specified in 37 CFR 1.17(p) is enclosed.**
  
2. It is hereby certified
  - a.  that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Statement, or
  - b.  that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of the Statement.
  
3.  Consideration of the following list of additional information (including any copending or abandoned U.S. application, prior uses and/or sales, etc.) is requested.

4. For each non-English language reference listed on the attached form PTO-1449, reference is made to:
  - a. [ ] a full or partial English language translation submitted herewith,
  - b. [ ] a foreign patent office search report (in the English language) submitted herewith,
  - c. [ ] the concise explanation contained in the specification of the present application at page,
  - d. [ ] the concise explanation set forth in the attached English language abstract,
  - e. [ ] the concise explanation set forth below or on a separate sheet attached to the reference:
5. [ ] A foreign patent office search report citing one or more of the references is enclosed.
6. [ ] Statement Under 37 CFR 1.704(d)

Each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign Patent Office in a counterpart application, and this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

Respectfully submitted,

Edwin Southern

By Warren M. Cheek, Jr.  
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Attorney for Applicant

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Facsimile (202) 721-8250  
October 25, 2006

## INFORMATION DISCLOSURE STATEMENT

FORM PTO 1449 (modified)

OCT 25 2006

ATTY DOCKET NO.  
2004\_0200SERIAL NO.  
10/772,467U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICELIST OF REFERENCES CITED BY APPLICANT(S)  
(Use several sheets if necessary)

Date Submitted to PTO: October 25, 2006

APPLICANT  
Edwin SOUTHERNFILING DATE  
February 6, 2004GROUP  
1631

## U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	4,994,373	2/1991	Stavianopoulos et al.			
	AB	6,054,270	4/2000	Southern			
	AC	4,563,419	1/1986	Ranki et al.			
	AD	4,704,353	11/1987	Humphries et al.			
	AE	4,728,502	3/1988	Hamill			
	AF	4,327,073	4/1982	Huang			
	AG	4,216,245	8/1980	Johnson			
	AH	4,395,486	7/1983	Wilson et al.			
	AI	4,656,127	4/1987	Mundy			

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
	AJ	2 156 074	10/1985	UK			
	AK	0 237 362	9/1987	EP			
	AL	93/22480	11/93	WO			
	AM	0 235726A3	9/1987	EP			
	AN	85/01051	3/1985	WO			

## OTHER DOCUMENT(S) (Including Author, Title, Date, Pertinent Pages, Etc.)

	AO	G. Beltz et al., Methods in Enzymology, Vol. 100, pp. 265-285, 1983.
	AP	E. M. Southern et al., Genomics, Vol. 13, pp. 1008-1017, 1992.
	AQ	Y. P. Lysov et al., Dokl. Akad., Vol. 303, pp. 1508-1511, 1988 (with English translation).

EXAMINER

DATE CONSIDERED

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## U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	BA	5,164,319	11/1992	Hafeman et al.			
	BB	5,002,867	3/1991	Macevicz			
	BC	5,202,231	4/1993	Drmanac et al.			
	BD	5,700,637	12/1997	Southern			
	BE						
	BF						
	BG						
	BH						
	BI						

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
	BJ	0281927A2	9/1988	EP			
	BK	0130739A2	1/1985	EP			
	BL	0171150B1	2/1986	EP			
	BM	86/06487	11/1986	WO			
	BN	84/03564	9/1984	WO			

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	BO	F. Kafatos et al., Nucleic Acids Research, Vol. 7, No. 6, pp. 1541-1552, 1979.
	BP	H. M. Geysen et al., J. Immun. Meth., Vol. 102, pp. 259-274, 1987.
	BQ	V. J. Kidd et al., Nature, Vol. 304, pp. 230-234, 1983.

EXAMINER

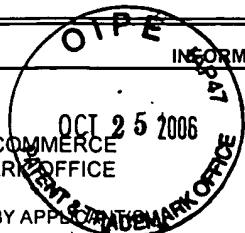
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	CA						
	CB						
	CC						
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	CG						
	CH						
	CI						

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
	CJ	86/00991	2/1986	WO			
	CK	0228075A2	7/1987	EP			
	CL	84/03151	8/1984	WO			
	CM	0194132A2	9/1986	EP			
	CN	0063810A1	11/1982	EP			

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	CO	P. Masinkowski et al., Nucleic Acids Research, Vol. 10, No. 24, pp. 7895-7903, 1982.
	CP	G. K. Sim et al., Cell, Vol. 18, pp. 1303-1316, 1979.
	CQ	W. Bains et al., J. Theor. Biol., Vol. 135, pp. 303-307, 1988.

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FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
	DJ	0130523A3	1/1985	EP			
	DK	0142299A2	5/1985	EP			
	DL	0268237A2	5/1988	EP			
	DM	88/01302	2/1988	WO			
	DN	86/03782	7/1986	WO			
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	DO	Gingeras et al., Nucleic Acids Research, Vol. 15, No. 13, pp. 5373-5390, 1987.					
	DP	U.B. Voss et al., Biochemical Society Transactions, 624 <sup>th</sup> Meeting, Dublin, pp. 216-217, 1987.					
	DQ	R. K. Saiki et al., Nature, Vol. 324, pp. 163-166, 1986.					
EXAMINER				DATE CONSIDERED			

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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	EA						
	EB						
	EC						
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
	ED	0238332A2	9/1987	EP			
	EE	88/01302	2/1988	WO			
	EF	0 392 546	10/1990	EP			
	EG	570/87	unknown	Yugoslavia			Yes
	EH	1284931	6/1991	CA			
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	EI	Wood et al., Proc. Natl. Acad. Sci. (USA), Vol. 82, pp. 1585-1588, 1985.					
	EJ	L. J. Arnold et al., Federation Proceedings, Vol. 43, No. 7, Abstract No. 3669, 1984.					
	EK	T. Maniatis et al., Molecular Cloning, A Laboratory Manual, Cold Spring Harbor Laboratory, p. 282, 1982.					
	EL	C. R. Cantor et al., Genomics, Vol. 13, pp. 1378-1383, 1992.					
	EM	G. M. Church et al., Proc. Natl. Acad. Sci. USA, Vol. 81, pp. 1991-1995, 1984.					
	EN	R. Frank, Methods in Enzymology, Vol. 154, pp. 221-251, 1987.					
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	FA						
	FB						
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FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES      NO
	FE	89/11548	11/1989	WO			
	FF	237362	9/1987	EP			
	FG						
	FH						
	FI						
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	FJ	R. Frank , Nucleic Acids Research, Vol. 11, No. 13, pp. 4365-4377, 1983.					
	FK	A. R. Brautigam et al., J. Clin. Microbiol., Vol. 12, No. 2, pp. 226-234, 1980.					
	FL	A. Rosenthal et al., Nucleic Acids Research, Vol. 13, No. 4, pp. 1173-1184, 1985.					
	FM	B. Lewin, Genes, 3 <sup>rd</sup> Ed., John Wiley & Sons, pp. 360-362, 1983.					
	FN	M. Anderson et al., Nucleic Acid Hybridisation, A Practical Approach, B. D. Hames et al., eds., IRL Press, pp. 73-111, 1985.					
	FO	M.S. Urdea et al., Gene, Vol. 61, pp. 253-264, 1987.					
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	GA						
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		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES      NO
	GE						
	GF						
	GG						
	GH						
	GI						
OTHER DOCUMENT(S) ( <i>Including Author, Title, Date, Pertinent Pages, Etc.</i> )							
	GJ	C. G. Miyada et al., Methods in Enzymology, Vol. 154, pp. 94-107, 1987.					
	GK	E. Calva et al., J. Biol. Chem., Vol. 255, No. 22, pp. 11011-11016, 1980.					
	GL	A. R. Dunn et al., Cell, Vol. 12, pp. 23-36, 1977.					
	GM	G. Wengler et al., Virology, Vol. 78, pp. 124-134, 1977.					
	GN	J. M. Coffin et al., Cell, Vol. 13, pp. 761-773, 1978.					
	GO	A. Palva et al., DNA, Vol. 7, No. 2, pp. 135-142, 1988.					
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	HA						
	HB						
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FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES      NO
	HE						
	HF						
	HG						
	HH						
	HI						
OTHER DOCUMENT(S) ( <i>Including Author, Title, Date, Pertinent Pages, Etc.</i> )							
	HJ	R. Drmanac et al., "Sequencing of Megabase Plus DNA by Hybridization: Theory of the Method", University of Belgrade (former Yugoslavia), 1988.					
	HK	Tenover, Clinical Microbiology Reviews, Vol. 1, No. 1, pp. 82-101, January 1988.					
	HL	Ogle et al., The Journal of Infectious Diseases, Vol. 155, No. 1, pp. 119-126, January 1987.					
	HM	Moseley et al., Advances in research on Cholera and Related Diarrheas, pp. 207-216, 1983.					
	HN	Frankel et al., The Journal of Infectious Diseases, Vol. 161, pp. 1252-1256, 1990.					
	HO	Ezaki, Asian Med. J., Vol. 34, No. 8, pp. 454-459, 1991.					
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	IA						
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FOREIGN PATENT DOCUMENTS							
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	IE						
	IF						
	IG						
	IH						
	II						
OTHER DOCUMENT(S) (Including Author, Title, Date, Pertinent Pages, Etc.)							
	IJ	Ezaki et al., Cancer, Vol. 61, pp. 106-109, 1988.					
	IK	Horn et al., Concise Communications, pp. 1250-1252, (date unknown).					
	IL	Robins-Browne et al., Journal of Clinical Microbiology, Vol. 27, No. 4, pp. 644-650, April 1989.					
	IM	Ezaki et al., International Journal of Systematic Bacteriology, Vol. 36, No. 2, pp. 345-347, 1986.					
	IN	McDonough et al., Journal of Clinical Microbiology, Vol. 26, No. 12, pp. 2515-2519, 1988.					
	IO	Bunemann et al., Nucleic Acids Research, Vol. 10, No. 22, pp. 7163-7180, 1982.					
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	JA						
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	JE						
	JF						
	JG						
	JH						
	JI						
OTHER DOCUMENT(S) ( <i>Including Author, Title, Date, Pertinent Pages, Etc.</i> )							
	JJ	Forster et al., Nucleic Acids Research, Vol. 13, No. 3, pp. 745-761, 1985.					
	JK	Koomey et al., Infection and Immunity, Vol. 43, No. 1, pp. 101-107, January 1984.					
	JL	Syvanen, Medical Biology, Vol. 64, pp. 313-324, 1986, Review Article.					
	JM	Nagata et al., FEBS Letters, Vol. 183, No. 2, pp. 379-382, April 1985.					
	JN	Ezaki et al., FEMS Microbiology Letters, Vol. 67, pp. 127-130, 1990.					
	JO	Kilpper-Balz et al., System. Appl. Microbiol., Vol. 5, pp. 494-500, 1984.					
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	KA						
	KB						
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	KE	1284931	1/91	CA			
	KF	89/11548	11/89	WO			
	KG	237362	9/87	EP			
	KH						
	KI						
OTHER DOCUMENT(S) ( <i>Including Author, Title, Date, Pertinent Pages, Etc.</i> )							
	KJ	Habermehl, Ed., Rapid Methods and Automation in Microbiology and Immunology, pp. 30-33, 1988.					
	KK	Schachter, Diagn. Microbiol. Infect. Dis., Vol. 4, pp. 185-189, 1986.					
	KL	Starnbach, Journal of Clinical Microbiology, Vol. 27, No. 6, pp. 1257-1261, June 1989.					
	KM	Ezaki et al., Microbiol. Immunol., Vol. 32, No. 2, pp. 141-150, 1988.					
	KN	Farrow et al., System Appl. Microbiol., Vol. 5, pp. 483-493, 1984.					
	KO	Dean et al., Journal of Clinical Microbiology, Vol. 27, No. 5, pp. 1062-1067, May 1989.					
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	LC						
	LD						
OTHER DOCUMENT(S) ( <i>Including Author, Title, Date, Pertinent Pages, Etc.</i> )							
	LE	Gingeras et al., Nucleic Acids Research, Vol. 15, No. 13, pp. 5353-5372, 1987.					
	LF	Gingeras et al., Nucleic Acids Research, Vol. 15, No. 13, pp. 5373-5390, 1987.					
	LG	Church et al., Science, Vol. 240, pp. 185-188, April 8, 1988.					
	LH	Bunemann, Nucleic Acids Research, Vol. 10, No. 22, pp. 7181-7196, 1982.					
	LI	Brigati et al., Virology, Vol. 126, pp. 32-50, 1983.					
	LJ	Fodor et al., Science, Vol. 251, pp. 767-773, 1991.					
	LK	Ezaki et al., J. Gen. Appl. Microbiol., Vol. 34, pp. 191-199, 1988.					
	LL	Ezaki et al., Journal of Clinical Microbiology, Vol. 26, No. 9, 1708-1713, September 1988.					
	LM	Farrow et al., System Appl. Microbiol., Vol. 5, pp. 467-482, 1984.					
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## INFORMATION DISCLOSURE STATEMENT

FORM PTO 1449 ( <i>modified</i> )  U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE  LIST OF REFERENCES CITED BY APPLICANT(S) ( <i>Use several sheets if necessary</i> )  Date Submitted to PTO: October 25, 2006			ATTY DOCKET NO. 2004_0200	SERIAL NO. 10/772,467			
			APPLICANT Edwin SOUTHERN				
			FILING DATE February 6, 2004	GROUP 1631			
U.S. PATENT DOCUMENTS							
*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	MA	4,205,952	6/1980	Cais			
	MB	4,145,406	5/1979	Schick et al.			
	MC	4,000,252	12/1976	Kosak			
	MD	4,254,082	3/1981	Schick et al.			
	ME	4,299,916	11/1981	Litman et al.			
	MC	4,323,647	4/1982	Monji et al.			
	MD	4,442,204	4/1984	Greenquist et al.			
	ME	4,719,176	1/1988	Klotz			
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
	MF	0 197 266	10/1986	EP			
	MG						
OTHER DOCUMENT(S) ( <i>Including Author, Title, Date, Pertinent Pages, Etc.</i> )							
	MP	Bioarray News, Vol. 1, No. 1, pp. 1, 8 and 9, June 1, 2001					
	MQ	Roche Award Molecular Bioanalytics, 2004 to Professor Edwin Southern et al., pp. 1-4, 2004.					
	MQ	Wodicka et al., "Genome-wide expression monitoring in <i>Saccharomyces cerevisiae</i> ", Nature Biotechnology, Vol. 15, pp. 1359-1367, 1997.					
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FORM PTO 1449 (modified)			ATTY DOCKET NO. 2004_0200	SERIAL NO. 10/772,467			
U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE			APPLICANT Edwin Southern				
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	NB	4,145,406	5/1979	Schick et al.			
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	ND	4,254,082	3/1981	Schick et al.			
	NE	4,299,916	11/1981	Litman et al.			
	NF	4,323,647	4/1982	Monji et al.			
	NG	4,442,204	4/1984	Greenquist et al.			
	NH	4,719,176	1/1988	Klotz			
	NI						
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES      NO
	NJ	0 197 266	10/1986	EP			English translation of Granted EP Patent
	NK						
	NL						
	NM						
	NN						
OTHER DOCUMENT(S) (Including Author, Title, Date, Pertinent Pages, Etc.)							
	NO	Bioarray News, Vol. 1, No. 1, pp. 1, 8 and 9, June 1, 2001					
	NP	Roche Award Molecular Bioanalytics, 2004 to Professor Edwin Southern et al., pp. 1-4, 2004.					
	NQ	Wodicka et al., "Genome-wide expression monitoring in <i>Saccharomyces cerevisiae</i> ", Nature Biotechnology, Vol. 15, pp. 1359-1367, 1997.					
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